

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND BEND DIVISION

NORCO INDUSTRIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-cv-00313-PPS-APR
)	
CPI BINANI, INC.,)	
)	
Defendant.)	
_____)	
)	
CPI BINANI, INC.,)	
)	
Counterclaimant,)	
)	
v.)	
)	
NORCO INDUSTRIES, INC.,)	
)	
Counter-Defendant.)	

**DEFENDANT/COUNTERCLAIMANT CPI BINANI, INC.'S
MOTION TO TRANSFER CASE TO JUDGE HANDLING
EARLIER-FILED RELATED CASE**

Pursuant to Northern District of Indiana Local Rule 40-1(e), Defendant/Counterclaimant CPI Binani, Inc. ("CPI"), moves the Court to transfer this case to District Judge Robert L. Miller, Jr., who is handling an earlier-filed and related case also brought by Plaintiff Norco Industries, Inc. ("Norco") against MITO Corporation, under Case No.3:12-cv-00503-RLM-CAN ("the MITO Case"). *See* N.D. Ind. L.R. 40-1(e) ("Transfer of Related Cases. When the court determines that two cases are related, the case filed later must be transferred to the judge handling the earlier filed case.").

Norco filed the MITO Case on May 10, 2012, before filing this case against CPI on August 6, 2012. (The MITO Case was filed in the United States District Court for the Southern District of Indiana and later transferred to this district on September 12, 2012, based on a joint motion to transfer filed on July 27, 2012.) Both this case and the MITO Case involve the validity and alleged infringement of the same design patent, United States Patent No. D650,723, entitled "Roof Bow." *See* N.D. Ind. L.R. 40-1(d)(3) (indicating that cases involving the validity or alleged infringement of the same patent are related). Accordingly, this case and the MITO Case are related actions in accordance with Local Rule 40-1(d)(3), and this later-filed case should be transferred in accordance with Local Rule 40-1(e). Notices of Related Actions have been filed in both this case and the MITO case.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was electronically filed on October 9, 2012, with the Clerk of the Court using CM/ECF system, which sent electronic notification of such filing to the following counsel of record: Robert J. Feldt, Esq. (rfeldt@eichhorn-law.com); and Paul A. Rake, Esq. (prake@eichhorn-law.com).

/s/ Patrick D. Murphy
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